

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

RENALDO NAVARRO,

) **CERTIFIED COPY**

)

Plaintiff,

)

)

vs.

) Case No.

) 3:19-cv-08157-VC

MENZIES AVIATION, INC., DOING )

BUSINESS AS MENZIES; and )

DOES 1 through 10, inclusive, )

)

Defendants. )

)

Webex deposition of RENALDO NAVARRO, VOLUME I,  
taken remotely on behalf of the Defendant, beginning at  
9:41 a.m. and ending at 4:23 p.m., on Thursday,  
July 23, 2020, before JOANNA B. BROWN, Certified  
Shorthand Reporter No. 8570, RPR, CRR, RMR.

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12 ALSO PRESENT:

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## UNANSWERED QUESTIONS

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1 Remotely; Thursday, July 23, 2020

2 9:41 a.m.

3

4 CAROLINE CARRERA,

5 having been duly sworn, translated English into

6 Tagalog and Tagalog into English as follows:

7

8 RENALDO NAVARRO,

9 having been duly sworn, was examined

10 and testified as follows:

11

12 THE REPORTER: Good morning. My name is  
13 Joanna Brown. I am a California certified stenographic  
14 reporter. Due to the current national emergency of the  
15 COVID-19 virus, this deposition is being handled via  
16 remote means.

17 Today's date is Thursday, July 23, 2020, and  
18 the time is approximately 9:41 a.m. This is the  
19 deposition of Renaldo Navarro in the matter of  
20 Renaldo Navarro v. Menzies Aviation, Inc. This is  
21 venued in the United States District Court, Northern  
22 District of California. The case number is  
23 3:19-cv-08157-VC.

24 At this time, I will ask counsel to identify  
25 yourselves, state who you represent, and agree on the

1 record that there is no objection to this deposition  
2 officer administering a binding oath to the witness  
3 via Webex. Let's start with the noticing attorneys.

4 MR. WARD: Christopher Ward of  
5 Foley & Lardner, representing Menzies Aviation, and I  
6 have no such objection.

7 MR. URIARTE: Arlo Uriarte for Plaintiff  
8 Renaldo Navarro. No objection.

9 THE REPORTER: You do solemnly state that you  
10 will accurately and correctly translate from English to  
11 Tagalog and Tagalog to English to the best of your  
12 ability so help you God?

13 THE INTERPRETER: I do.

14 THE REPORTER: Mr. Navarro, would you raise  
15 your right hand, please. You do solemnly state that  
16 the testimony you shall give in this matter will be the  
17 truth, the whole truth, and nothing but the truth?

18 THE WITNESS: I do.

19 THE REPORTER: Thank you.

20 EXAMINATION

21 BY MR. WARD:

22 Q All right. Well, good morning, Mr. Navarro.  
23 I just introduced myself on the record. My name is  
24 Christopher Ward, and I represent Menzies Aviation.  
25 Thanks for being available this morning.

1 Q Is that a yes?

2 That's when you learned you had been  
3 terminated, when you met with Tracy?

4 A Yes, sir.

5 Q Was anybody else present at the time that you  
6 met with Tracy other than yourself and Tracy?

7 A She was with a female there.

8 Q Was she another Menzies employer, that female?

9 A Maybe, sir.

10 Q You don't know who she was, in other words?

11 A No, sir.

12 Q So other than Tracy and this unidentified  
13 female, nobody else was present; is that true?

14 A Yes, sir.

15 Q What did Menzies tell you was the reason they  
16 were terminating your employment?

17 A All I remember that Tracy told me was that you  
18 should not have signed it because you were at  
19 management site.

20 Q And when she said you should not have signed  
21 it, she was referring to the petition, to your  
22 understanding?

23 A Yes, sir.

24 Q Were you told that there was any reason for  
25 your termination other than signing the petition?

1           A       No more, sir.

2           Q       Are you aware of any documents that would  
3       indicate that there was a reason for your termination  
4       other than you signing the petition?

5           A       No, sir. What's written on the termination  
6       was just code of conduct.

7           Q       Okay. What about with respect to the decision  
8       to suspend your employment?

9                   Were you given any explanation other than you  
10       signing the petition?

11          A       She did not say anything -- any more.

12          Q       Are you aware of any documents that would  
13       indicate there was a reason for your suspension other  
14       than your signing the petition?

15          A       I no longer know any.

16          Q       At the time that you were informed you were  
17       being suspended, did anybody mention anything about  
18       your race?

19          A       The other employees, sir.

20          Q       How about anybody in Menzies management?  
21                   Did anybody say anything about your race being  
22       a factor in the decision to suspend you?

23          A       Nothing was said like that by them.

24          Q       Other than with respect to your termination,  
25       did anyone say anything -- did anyone in Menzies



1 management, rather, say anything about your race having  
2 (Inaudible) in that termination?

3 THE INTERPRETER: I'm sorry. I didn't get  
4 your whole question, sir.

5 MR. WARD: Sure.

6 Q With respect to termination of your  
7 employment, did anyone at Menzies management say that  
8 race was a factor in that termination?

9 A I do not know, sir.

10 Q How about with respect to your suspension?  
11 Did anybody say your national origin was a  
12 factor in the decision to suspend you?

13 A I do not know that also.

14 Q What about with respect to the decision to  
15 terminate your employment?

16 Did anybody at Menzies say that your national  
17 origin was a factor in that decision?

18 A Please repeat that, sir.

19 Q Sure. With respect to the decision to  
20 terminate your employment, did anybody in Menzies  
21 management indicate that your national origin was a  
22 factor in that decision?

23 A I do not know, sir.

24 Q Is it your belief that your race played any  
25 role in the decision to suspend you?

1           A       Yes, sir.

2           Q       What is that belief based on?

3           A       Maybe because I'm an Asian and he is white.

4           Q       And when you say "maybe," are you just  
5       speculating?

6           A       No, sir.

7           Q       Do you have any evidence that supports the  
8       belief that your race played a role in your suspension?

9                   MR. URIARTE:  Objection.  Calls for a legal  
10       conclusion.

11                  THE WITNESS:  Please repeat.  Please repeat  
12       the question.

13                  MR. WARD:  Sure.

14           Q       Do you have any evidence that supports your  
15       belief that your race played a role in your  
16       termination?

17           A       Yes, sir.

18           Q       What evidence is that?

19           A       First of all, I'm Asian.  He's white.  Second,  
20       all the problems, we have brought it up to management.  
21       And then why is it that myself, who is taking action in  
22       behalf of the others, I am the one being terminated and  
23       not himself?

24                   I am the one taking care also of this effect  
25       on management, on the company too.

1 Q Nobody ever told you, from Menzies, that your  
2 race was a factor; true?

3 A No, sir.

4 Q Who told you that your race was a factor?

5 A Yes, I've seen it because how come that --  
6 even if we tell the company about this person, nothing  
7 is being done to reform, to suspend or to terminate  
8 him. He has delays up to 20 flights a day. With us,  
9 just one delay, and we hear from them. With him, there  
10 would be five or six delays, but nothing is done about  
11 it.

12 Q That doesn't answer my question, Mr. Navarro.  
13 My question is who told you that your race was  
14 a factor in either the termination or suspension  
15 decision?

16 A I see what they did to me.

17 Q You are not answering my question,  
18 Mr. Navarro. The question is who told you?

19 Not what you think or what you feel or what  
20 you believe, but who told you?

21 A I have a lot of Asian coworkers that, when  
22 they commit a mistake, they are already terminated.

23 Q Okay. And you are still not answering the  
24 question, sir.

25 The question is who told you that your race

1 was a factor in the decision to either terminate or  
2 suspend you?

3 MR. URIARTE: Maybe if you quantified the  
4 universal "who," then maybe he could more possibly --

5 MR. WARD: I don't need to qualify it. He can  
6 either tell me who did it, or he can say, no, he  
7 didn't. I need an answer to the question I asked.

8 MR. URIARTE: That would be great. We have,  
9 like, great easy cases. It's like management told the  
10 terminated employee "Hey, I terminated you because I'm  
11 discriminating against you." It's, like, a great  
12 question there, Chris. But other than that,  
13 (inaudible).

14 MR. WARD: I'm entitled to an answer to it,  
15 sir.

16 MR. URIARTE: Yeah, but the question is --  
17 (Simultaneous speaking.)

18 MR. WARD: No. You and I can debate the  
19 merits of the legal system later. I want an answer  
20 from the witness -- who told him this? -- because he  
21 testified someone did.

22 THE WITNESS: No one was telling me, but  
23 that's what I feel from what happened.

24 BY MR. WARD:

25 Q And is it true that you cannot identify any

1 documents that say your race was a factor in the  
2 decision to terminate or suspend you?

3 MR. URIARTE: Objection. Calls for a legal  
4 conclusion.

5 THE WITNESS: Please repeat again.

6 MR. WARD: Sure.

7 Q Is it true that you cannot identify any  
8 document that indicates your race was a factor in the  
9 decision to terminate or suspend you?

10 MR. URIARTE: Calls for a legal conclusion.

11 THE WITNESS: I do not know.

12 BY MR. WARD:

13 Q You do not know whether any such document  
14 exists; is that your testimony?

15 A Yes, sir.

16 Q And has anybody ever told you that your  
17 national origin was a factor in Menzies' decision to  
18 suspend or terminate you?

19 A No, sir, but that's what I feel.

20 Q And is it true that you are not aware of any  
21 documents that indicate your national origin was a  
22 factor in (inaudible)?

23 THE INTERPRETER: I'm sorry. A factor in  
24 what?

25 ///

1 BY MR. WARD:

2 Q Is it true that you are not aware of any  
3 documents that indicate your national origin was a  
4 factor in the suspension or termination decision?

5 MR. URIARTE: Objection. Calls for a legal  
6 conclusion.

7 THE WITNESS: I do not know, sir.

8 BY MR. WARD:

9 Q The letter that you are asked to provide, did  
10 you provide such a letter?

11 THE INTERPRETER: I'm sorry. The letter he  
12 was asked to provide?

13 MR. WARD: Right. At the time he was -- at  
14 the time he was notified he was being suspended, he was  
15 asked to provide a letter, and my question is did he  
16 provide such a letter?

17 THE WITNESS: Yes. I gave it to Kevin.

18 MR. WARD: All right. I am going to mark as  
19 Exhibit 15, if I can find it here -- sorry -- a set of  
20 documents that were produced to us in the Bates  
21 No. RenaldoNavarro -1 to -14.

22 (Deposition Exhibit 15 was marked for  
23 identification by the reporter, a  
24 copy of which is attached hereto.)

25 ///

1 BY MR. WARD:

2 Q All right. Let me get to the right page  
3 here. So looking at this first page of Exhibit 15,  
4 Mr. Navarro, do you recognize this document?

5 A Yes, sir.

6 Q What is this document?

7 A I did not know who made this, but I saw that.

8 Q Is it your testimony that you did not write  
9 this Navarro Exhibit 1?

10 THE INTERPRETER: Again, repeat that. There  
11 is breaking up in the audio.

12 BY MR. WARD:

13 Q Are you saying, Mr. Navarro, that you are not  
14 the person who wrote this document that we are looking  
15 at right now?

16 MR. URIARTE: Do you want me to make it  
17 bigger, Mr. Navarro?

18 THE WITNESS: Yes.

19 Please repeat the question, sir.

20 MR. WARD: Sure.

21 Q Let me just ask this: Are you the one who  
22 wrote this, what's marked here as Navarro No. 1?

23 A All I remember is the one at the last part.  
24 All I remember is what's written here on the last part.  
25 If this is the benefits for the sake of my job, I will

1 not intervene again, just do and focus on my job. But  
2 I do not remember the things about it, the words  
3 written above it. If you could show what I wrote down,  
4 I would know where it came from, but this one, the  
5 stuff above it, I do not know.

6 Q So is it your testimony that you did not write  
7 all of the content on this page?

8 A If you give me the letter that I wrote, I  
9 would remember all of that, but with this one,  
10 especially the last one, that was what Kevin told me to  
11 say. But with regard to the stuff above it, I do not  
12 remember this.

13 Q So am I understanding correctly, you did not  
14 write everything on this page? Yes or no?

15 A Maybe I wrote all of this, maybe.

16 Q As you sit here today, you just can't say one  
17 way or another; is that true?

18 A Which is it? Which is it? Are you referring  
19 that I could not say one way or the other?

20 Q The entire document, did you write this entire  
21 document, or did somebody else write it?

22 A I'm the one who made this.

23 Q Okay. You just told me you are the one who  
24 made the entire letter -- or I'm sorry -- the entire  
25 document.



1           A       Yes. I was told to write that by Raul Vargas  
2     and Kevin.

3           Q       Is this the letter that you provided in  
4     response to the request from Kevin and Raul?

5                   THE INTERPRETER: I'm sorry. Please repeat  
6     that.

7     BY MR. WARD:

8           Q       Is this the letter that you provided in  
9     response to the request from Kevin and Raul?

10          A       Yes, sir.

11          Q       How did you transmit this to Kevin?

12                   THE INTERPRETER: I'm sorry. How did he --

13                  MR. WARD: How did he transmit this? How did  
14     he give it to Kevin? Did he give it to him by hand?  
15     Did he email it?

16                   THE WITNESS: When they suspended me, Kevin  
17     told me to make a letter. So I went to my car and made  
18     that, and then, before I left, I gave it to Kevin.

19     BY MR. WARD:

20          Q       You wrote this document that we are looking at  
21     right now, the first page of Exhibit 15, in your car?

22          A       Yes, sir.

23          Q       Did you keep a computer in your car?

24          A       I did not have a computer. I hand-wrote it.  
25     That's why, what I say right now, I hand-wrote it. But

1 this one is already typed on the computer, and then I  
2 also had a signature at the bottom.

3 Q You provided your version of this letter to  
4 Kevin; true?

5 THE INTERPRETER: I'm sorry. Provide the  
6 what?

7 BY MR. WARD:

8 Q You provided a version of this letter to  
9 Kevin; is that true?

10 A The letter I gave to Kevin, I provided it in  
11 handwriting, in my own handwriting, and then I signed  
12 it.

13 Q And then is this typed document that we are  
14 looking at right now the same thing that you hand-wrote  
15 to Kevin?

16 A I don't remember very well the letter, but it  
17 seems it's, like, the same.

18 Q Okay. So after you hand-wrote the letter to  
19 Kevin, did you also type this up?

20 A I do not have a typewriter.

21 Q You -- all right. This page right here that's  
22 marked Navarro No. 1, did you provide it to your  
23 counsel?

24 A Yes, sir.

25 Q How did you get it?

1           A       It was a copy that was given to me by the  
2   people.

3           Q       A copy that was given to you?

4           A       Yes, sir.

5           Q       By whom?

6           A       I'm getting confused.

7           Q       I'm confused too, sir. I'm trying to  
8   understand where this document came from because this  
9   is something that your counsel provided to us. I've  
10   never seen this before your counsel sent it to us.

11                   I guess my question is you provided a copy of  
12   this letter to your counsel; right?

13          A       Yes, sir.

14          Q       But it's your testimony that you are not the  
15   one who actually wrote up this typed document; is that  
16   right?

17          A       I was the one who wrote it down, but I am  
18   thinking who was the one who typed this because I do  
19   not have a computer in the house.

20          Q       Is it your testimony that you have no idea how  
21   this typewritten or word-processed document was  
22   created?

23          A       I'm not sure if Kevin gave me a copy of this  
24   because it's been a long time. What I know is I gave  
25   my handwritten letter to Kevin, and I do not know who

1 prepared this.

2 Q But your testimony is that somebody gave you  
3 this document; right?

4 A Yes. It may be Kevin who gave this to me, who  
5 typed this in his computer and gave me a copy because I  
6 have no computer.

7 Q I don't want you to speculate, though,  
8 Mr. Navarro. I want you to tell me what you know  
9 happened.

10 Did Kevin type this up and give it to you, or  
11 are you guessing that might be what happened?

12 A I am the one who wrote this down, but who  
13 typed it in the computer, I no longer remember.

14 Q Okay. But it's your testimony that it wasn't  
15 you who typed it; is that true?

16 A Yes, sir.

17 Q It's the same thing today?

18 You have no memory of how you came to be in  
19 possession of this typed version; is that true?

20 A I no longer remember, but what I remember is  
21 the letter that the attorney had me prepare, this is  
22 the one.

23 Q All right. This is now page 2 of Exhibit 15.  
24 I want to ask you, do you recognize this typed version?  
25 Have you seen it before?

1           A     I have a copy of this. I have a copy that I  
2     gave to my attorney.

3           Q     Are you the one who created this typed  
4     version?

5           A     It's not myself.

6           Q     Where did you get it from?

7           A     The people gave it to me.

8           Q     Who?

9           A     I no longer remember. All the documents that  
10    I think we need, I gave them all to my attorney. So  
11    all of the documents are with my attorney.

12          Q     But as you sit here today, looking at this  
13    document stamped RenaldoNavarro -2, you don't remember  
14    who gave that to you; is that true?

15                THE INTERPRETER: I did not get the question.  
16    BY MR. WARD:

17          Q     Just looking at page 2 of Exhibit 15, is it  
18    true that you do not recall who gave this page to you?

19          A     Yes, sir.

20                MR. WARD: All right. I'm showing the  
21    witness, still on Exhibit 15, the page Bates-marked  
22    Navarro No. 11.

23          Q     Do you recognize what this screen capture  
24    appears to show, Mr. Navarro?

25          A     Yes, sir. Yes, sir.

1           Q     Is this a text message that you have on your  
2 phone?

3           A     Yes, sir.

4           Q     And do you still have this text-message chain  
5 on your device?

6           A     It's still there, sir.

7           Q     Don't delete it, please.

8                     What about this page that is -- I think it's  
9 RenaldoNavarro -12. What is that?

10          A     This was by the supervisor. I was no longer  
11 there, but this was just texted to me. This was --  
12 this text was sent to me saying "Sorry. Andrew fell  
13 asleep, but his hours were already running."

14          Q     Okay. This appears to be -- so is this a  
15 message somebody named Mark sent to you?

16          A     Yes, sir.

17          Q     Okay. Which side of this text-message chain  
18 is yours? Is it the left side with the image or the  
19 right side where it says "Date 11-7-18"?

20          A     This date.

21          Q     Who is Mark? Who is the Mark that's referred  
22 to in this message?

23          A     This was the person, also a supervisor --  
24 Andrew was supposed to replace him.

25          Q     So, in other words, this was another

1 supervisor at Menzies?

2 A When I was no longer there. He was the  
3 supervisor when I was no longer at Menzies.

4 Q Okay. And is this a screen capture of a text  
5 message you had with -- or a text capture you had with  
6 this individual, Mark?

7 A He just sent a text to me.

8 Q Okay. Do you still have those texts on your  
9 device?

10 A Yes, sir.

11 Q Don't delete them, please. How about this  
12 next page? It looks like it's -- or next two pages,  
13 13 and 14? Are these also text messages that you  
14 received?

15 A Yes, sir.

16 Q Do you still have them on your device?

17 A It's still there, sir.

18 Q Okay. Don't delete that, please.

19 MR. URIARTE: Chris, can we take a five-minute  
20 break to rest?

21 MR. WARD: Sure. That's fine. It's 3:37. Do  
22 you want to reconvene at 3:45?

23 MR. URIARTE: Sounds good.

24 MR. WARD: Thank you. We are off the record.

25 (Off the record.)

1 MR. WARD: Let's go back on the record.

2 I'm going to mark as Exhibit 16 "Plaintiff's  
3 Initial Disclosures."

4 (Deposition Exhibit 16 was marked for  
5 identification by the reporter, a  
6 copy of which is attached hereto.)

7 BY MR. WARD:

8 Q Mr. Navarro, I'm just going to inform you,  
9 this was a document provided to my office by your  
10 counsel. One of the purposes of this document is to  
11 identify potential witnesses that you believe may be  
12 helpful to your case, and I see --

13 A Go ahead.

14 Q -- one of the names you identify here is  
15 Jezen Canlas. Do you see that?

16 A Yes.

17 Q Have you communicated with Mr. Canlas since  
18 your termination from Menzies?

19 A We talk, but we talk about different things.

20 Q Have you had any communication with Mr. Canlas  
21 regarding either your termination or your legal claims  
22 against Menzies since your termination?

23 A We don't talk about that.

24 Q No. 3 lists Rafael Vasquez. Is that the union  
25 shop steward?



A					
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